REMARKS

Applicants respond hereby to the outstanding Office Action mailed August 21, 2007. Independent claims 1, 9, 17 and 22-24 are amended hereby to add the respective limitations of claims 3, 11 and 18. Claims 3, 11 and 18 are cancelled without prejudice or disclaimer of subject matter. Claims 1, 2, 4-10, 12-17 and 19-33 remain pending hereafter, where claims 1, 9, 17, 22, 23 and 24 are the independent claims.

Claims 1, 2, 9, 10, 17 and 22-33 are rejected under 35 USC §102(b) in view of Patent Application Publication No. 2006/0085821 to Simmons, et al. (Simmons). Claims 3, 11 and 18 are rejected under 35 USC §103(a) over Simmons in view of NPL document entitled: Introduction to SSL (10/09/98). Claims 4-8, 12-26 and 19-21 are rejected under 35 USC §103(a) over Simmons in view of NPL document: Introduction to SSL (10/09/98), and further in view of Patent Application Publication No. 2003/0177495 to Needham, et al. (Needham).

Response to rejection Under 35 USC §102(b)

With respect to the independent claims, the Examiner asserts that Simmons teaches a video-on-demand (VOD) system, method and computer program product (medium), for demanding a video program via a short message, comprising

short message generating means for receiving a user demand **(user interface 54; Fig. 2, par. [0040], lines 1-8)**, and generating a demand short message based on the user demand, said demand short message including at least a User Identifier field, a Program Identifier field of the

demanded video program and an Authentication field **(paragraphs [0017], [0040], lines 1-15; [0044], lines 22-[0045]; [0052])**;

short message sending means for sending the demand short message generated by the short message generating means **(Network connectivity 12; Fig. 2)**;

demand short message processing means at a program delivering end for receiving the demand short message, processing the received demand short message to extract the user identifier and using the Authentication field to authenticate the legality of the user, and sending the program identifier of the demanded program by a legal user to video delivering means **(paragraphs [0040], [0044] and [0045])**;

video delivering means **(content providers 6, Fig. 1)** for sending program content corresponding to the program identifier from the program delivering end to the user end indicated by a legal user identifier **(paragraphs ([0040]-[0045])**; and

program playing means at the user end for receiving the video program sent by the video delivering means and playing it back to the user **(42; Fig. 2)**.

Applicants have amended the independent claims to more clearly distinguish Simmons by adding the limitations of claims 3, 11 and 18, respectively, to each of the independent claims, and cancelled claims 3, 11 and 18 without prejudice or disclaimer of subject matter. For example, the claim 9 video-on-demand system (as amended) comprises:

short message generating means for receiving a user demand, and generating a demand short message based on the user demand, said demand short message including at least a User Identifier field, a Program Identifier field of the demanded video program and an Authentication

field, and including an encrypting unit for encrypting the fields in the generated demand short message except the Authentication field;

short message sending means for sending the demand short message generated by the short message generating means;

demand short message processing means at a program delivering end for receiving the demand short message, processing the received demand short message to extract the user identifier and using the Authentication field to authenticate the legality of the user, and sending the program identifier of the demanded program by a legal user to video delivering means, and including decrypting means for decrypting the received encrypted short message;

video delivering means for sending program content corresponding to the program identifier from the program delivering end to the user end indicated by a legal user identifier; and

program playing means at the user end for receiving the video program sent by the video delivering means and playing it back to the user.

In view of the amendments to the independent claims, and in view of applicants' review of the cited portions of Simmons, applicants respectfully assert that the independent claims, and the claims that depend from the independent claims are patentably distinct from Simmons for at least the following reasons.

Simmons' paragraph [0017] states that Simmons' player/receiver subsystem enables the home user to connect to a transaction server through a communications network to access a program guide of media files, and then, via the player/receiver and communications network, requests the transaction server to deliver the requested files. The transaction server authenticates

the user request, and verifies the user account, and then transmits a downloaded authorization instruction to the content provider site at which the requested media file is stored. The content provider site then encrypts the requested file, and send the encrypted file to the user's player/receiver. The encrypted files are decrypted solely by the requesting player/receiver.

Simmons' system (5) is shown in Fig. 1 to include a transaction server (10), network connectivity (12) that connects the transaction server to home user sites (7). The home user site (7) is described in detail with respect to Fig. 2. Home user site (7) comprises a player/receiver subsystem (30) with a user interface 54, system processor 56, system RAM (50), media file decoder (60), media file decryptor (61), TV display interface (40) and audio stereo interface (44). User interface (54) enables the user to request and download selected media files from distributed content provider sites. Simmons' paragraph [0040] describes system (5) operation in greater detail, including that player/receiver (30) includes a processor (56) that instructs its network connectivity means (12) to connect to transaction server (10) and transmit a system identifier including a locally generated encryption key and the player/receiver (30) unique electronic serial number and the user's PIN entered via interface (54).

The transaction server (10) in turn performs an account authentication operation. If the user is authenticated, the player/receiver interacts with the transaction server to send requests. The transaction server processes the media requests and generate a transaction ID and instruction data and transmits same along with the user's private encryption key to a content provider site (6). The requested files are encrypted at the content provider site using the private user key and

instructions received from the transaction server (10). The encrypted files are sent to the user at the player/receiver (30), or user interface (54).

Simmons' Fig. 4 is a detailed view of the transaction server (10), and is described in detail by the text of paragraph [0044]. The transaction server receives the messages sent from a player/receiver (30), which includes the player/receiver serial number, the user's PIN and the local or private encryption key. While the Examiner asserts that Simmons discloses short message generating means for receiving a user demand (request), and generating a demand short message that includes at least a User Identifier field, a Program Identifier field of the demanded video program and an Authentication field **(paragraphs [0017], [0040], lines 1-15; [0044], lines 22-[0045]; [0052])**, applicants respectfully disagree.

Simmons' request message does not include a short message that is equivalent to applicants' claimed demand short request message, nor is Simmons' user interface (54) the equivalent of applicants' short message generating means that generates same demand short message. Simmons' request message submitted via user interface (54) to the transaction server (10) does identify the user and the serial number of the player/receiver, but Simmons' request messages are not encrypted. Simmons sends a private encryption key that is used to encrypt files eventually sent to the user, but again, applicants' invention does not operate in such a way. Moreover, Simmons' does not include in their message requests a program identifier field of the demanded video program, which is also encrypted as part of applicants' demand short message as set forth in the independent claims.

The Examiner asserts that Simmons' transaction server (10) is equivalent to applicants' claimed demand short message processing means (at a program delivering end) for receiving the demand short message, processing the received demand short message to extract the user identifier and using the Authentication field to authenticate the legality of the user, and sending the program identifier of the demanded program by a legal user to video delivering means at **paragraphs [0040], [0044] and [0045].** Applicants' claimed demand short message processing means, however (as amended) includes decrypting means for decrypting the received message (that is encrypted by the short message generating means). Simmons' transaction server (10) is not constructed to decrypt encrypted user messages (demand short messages). Applicants explained above that neither Simmons' user interface (54) nor player/receiver (30) encrypt demand short messages.

Accordingly, Simmons does not include each element of applicants' independent claims and so Simmons does not render independent claims 1, 9, 17, 22, 23 and 24 unpatentable under 35 USC §102(b). Claims 1, 2, 25, 26 and 27 depend from claim 9 and are patentable therewith. Claims 10 depend from claim 9 and are patentable therewith. Claim 28 depends from claim 17 and are patentable therewith. Claims 29 and 30 depend from claim 22 and patentable therewith, and claim 31 depends from claim 23 and patentable therewith. Claims 32 and 33 depend from claim 24 and are patentable therewith. Applicants respectfully request, therefore, that the rejection of pending claims 1, 2, 9, 10, 17 and 22-33 under Section 102(b) in view of Simmons be withdrawn.

Response To Rejections under 35 USC §103(a)

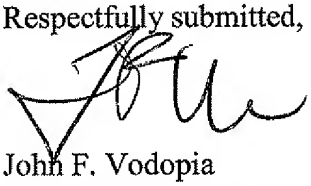
In response to the rejection of dependent claims 3, 11 and 18 under 35 USC §103(a) over Simmons in view of NPL document: Introduction to SSL, applicants respectfully assert that claims 3, 11 and 18 are cancelled without prejudice or disclaimer of subject matter, obviating the rejection.

In response to the rejection of dependent claims 4-8, 12-16 and 19-21 under 35 USC §103(a) over Simmons in view of NPL document: Introduction to SSL, and further in view of Needham, applicants respectfully assert that claims 4-8 depend from independent claim 1, claims 12-16 depend from independent claims 9, and claims 19-21 depend from independent claim 17, and are therefore patentable for at least the reasons set forth above for the patentability of independent claims 1, 9 and 17, respectively. Applicants, therefore, request withdrawal of the rejection of claims 4-8, 12-16 and 19-21 under Section 103(a) in view of Simmons, NPL document: Introduction to SSL and further in view of Needham.

Conclusion

Accordingly, each of claims 1, 2, 4-10, 12-17 and 19-33 are patentable in view of Simmons, whether alone or in combination with the NPL document, and/or Needham, and respectfully request withdrawal of the rejections, allowance of the claims and passage to issue of the application. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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